

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMUEL BROWN,

Plaintiff,

Case No. 05-60162

v.

Hon. John Corbett O'Meara

CITY OF DETROIT, *et al.*,

Hon. Virginia M. Morgan

Defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT WITHOUT PREJUDICE**

Before the court is Plaintiff's motion for summary judgment, filed January 6, 2006.

Plaintiff seeks summary judgment against Defendants, the City of Detroit, Dennis Richardson, and Hilton Napoleon. At the time Plaintiff's motion was filed, Defendants had not been served with the complaint, as a result of some confusion regarding counsel who appeared to represent these Defendants, but did not. The City of Detroit has since been served and filed a motion to dismiss in lieu of an answer on July 13, 2006. The return of service forms for Richardson and Napoleon were returned unexecuted.

The court has no jurisdiction over parties who have not been properly served with the complaint. Accordingly, the court will deny Plaintiff's motion for summary judgment as to all Defendants. Plaintiff may re-file his motion against the City of Detroit, only.

IT IS HEREBY ORDERED that Plaintiff's January 6, 2006 motion for summary judgment is DENIED WITHOUT PREJUDICE.

s/John Corbett O'Meara
United States District Judge

Dated: September 11, 2006

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 11, 2006, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager